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Filing date: **06/04/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204913
Party	Defendant Samtani (Jamaica) Ltd. DBA Tropicana Jewelers
Correspondence Address	MARK LEVY HINMAN HOWARD & KATTELL LLP 80 EXCHANGE ST STE 700 BINGHAMTON, NY 13901-3490 UNITED STATES
Submission	Answer
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Date	06/04/2012
Attachments	ONE LOVE Answer to Notice of Opposition 060412.pdf (4 pages)(47058 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 85/375,935
for the mark: ONE LOVE

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Fifty-Six Hope Road Music Limited)	
)	
Opposer)	
v.)	Opposition No. 91204913
)	
Samtani (Jamaica) Ltd.)	
DBA Tropicana Jewelers)	
Applicant)	
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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Applicant hereby Answers the Notice of Opposition of Fifty-Six Hope Road Music Limited and admits, denies, and alleges as follows:

1. Applicant has no information regarding the truth or falsity of this claim, but has not discovered a registered trademark assigned to Opposer for ONE LOVE with goods in Applicant's channel of commerce.
2. Admitted.

3. Admitted.
4. Applicant has no information regarding the truth or falsity of this claim.
5. Applicant has no information regarding the truth or falsity of this claim.
6. Applicant has no information regarding the truth or falsity of this claim.
7. Applicant denies that Opposer has priority of use of the mark, ONE LOVE for jewelry, namely, bracelets and rings in Class 14.
8. Applicant denies the goods offered by Applicant are similar or related to those offered under Opposer's ONE LOVE unregistered mark.
9. Applicant denies the ONE LOVE mark suggests a connection with Bob Marley and Opposer, and also denies that the ONE LOVE mark is famous and distinctive within the meaning of the Federal Trademark Dilution Act, and also denies that Applicant seeks to commercially use Opposer's alleged applied-for mark.
10. Applicant denies that maturation of [Applicant's] mark into a registration would cause a likelihood of confusion relating to Opposer's alleged applied-for mark, as registration, per se, cannot cause confusion.
11. Applicant denies any likelihood of confusion upon registration of the mark, and denies that Applicant would be allowed to trade on Opposer's existing good will in the mark.

AFFIRMATIVE DEFENSES

Applicant hereby presents affirmative defenses regarding the opposition of Applicant's mark, ONE LOVE.

1. A search of the Trademark Electronic Search System (TESS) online database returns 287 hits for the expression, ONE LOVE, indicating that Opposer's mark is neither famous nor distinctive, especially not for jewelry.

2. Applicant's mark, ONE LOVE, has been in use in interstate commerce for over seven years and no evidence of actual confusion has occurred vis-a-vis Opposer's mark.

3. Applicant's mark, web site, and advertising literature makes no reference to Bob Marley, reggae music, or any other music that would give rise to confusion or likelihood of confusion as to the source of Applicant's goods.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

HINMAN HOWARD & KATTELL LLP

Dated:

By:


Mark Levy
Attorney for Applicant
80 Exchange Street
P.O. Box 5250
Binghamton, NY 13901
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on counsel for Opposer, this 4th day of June, 2012, by sending same via First Class Mail to:

Jill M. Pietrini, Esq.
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars, Ste. 1600
Los Angeles, CA 90067-6017

Respectfully submitted,

HINMAN HOWARD & KATTELL LLP

Dated:

By:


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